

House Study Bill 117

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL
BRANCH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to judicial branch practices and procedures,
2 including expanding the definition of a seal, eliminating
3 duties of the clerk of the supreme court, making confidential
4 personal information, and obtaining electronic signatures on
5 citations.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7 TLSB 1268DP 82

8 jm/sh/8

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1 1 Section 1. Section 4.1, subsection 28, Code 2007, is
1 2 amended to read as follows:
1 3 28. SEAL. Where the seal of a court, public office ~~or,~~
1 4 ~~public officer, or public or private corporation,~~ may be
1 5 required to be affixed to any paper, the word "seal" shall
1 6 include an impression upon the paper alone, ~~as well as or~~ upon
1 7 wax or a wafer affixed ~~thereto to the paper,~~ or an official
1 8 ink stamp if a notarial seal. If the seal of a court is
1 9 required, the word "seal" may also include a visible
1 10 electronic image of the seal on an electronic document.

1 11 Sec. 2. Section 602.4301, subsection 2, Code 2007, is
1 12 amended to read as follows:

1 13 2. The clerk of the supreme court shall have an office at
1 14 the seat of government, shall keep a complete record of the
1 15 proceedings of the court, and shall not allow an opinion filed
1 16 in the office to be removed. Opinions shall be open to
1 17 examination and, upon request, may be copied and certified.
1 18 ~~The clerk promptly shall announce by mail to one of the~~
1 19 ~~attorneys on each side any ruling made or decision rendered,~~
1 20 ~~shall record every opinion rendered as soon as filed, shall~~
1 21 ~~mail a copy of each opinion rendered to each attorney of~~
1 22 ~~record and to each party not represented by counsel, and The~~
1 23 ~~clerk shall also perform all other duties pertaining to the~~
1 24 office of clerk.

1 25 Sec. 3. Section 602.6111, subsection 3, Code 2007, is
1 26 amended by striking the subsection and inserting in lieu
1 27 thereof the following:

1 28 3. The supreme court may prescribe rules or issue
1 29 directives requiring confidentiality of certain categories of
1 30 personal identification and financial account information
1 31 filed with the clerk of the district court or the clerk of the
1 32 supreme court. The rules prescribed or directives issued
1 33 pursuant to this subsection may specify the manner and format
1 34 in which confidential information is to be provided to the
1 35 clerk, authorize the disclosure of confidential information to
2 1 certain persons, and specify the manner and format in which
2 2 the confidential information is stored and disclosed by the
2 3 clerk. Rules prescribed or directives issued pursuant to this
2 4 subsection shall prevail over any other state laws and
2 5 administrative rules.

2 6 Sec. 4. Section 805.6, subsection 1, unnumbered paragraph
2 7 3, Code 2007, is amended to read as follows:

2 8 Notwithstanding other contrary requirements of this
2 9 section, a uniform citation and complaint may be originated
2 10 from a computerized device. The officer issuing the citation
2 11 through a computerized device shall electronically sign and
2 12 date the citation or complaint and shall obtain electronically
2 13 the signature of the person cited as provided in section 805.3
2 14 and shall give two copies of the citation to the person cited
2 15 and shall provide a record of the citation to the court where
2 16 the person cited is to appear and to the law enforcement

2 17 agency of the officer by an electronic process which
2 18 accurately reproduces or forms a durable medium for accurately
2 19 and legibly reproducing an unaltered image or copy of the
2 20 citation.

2 21 EXPLANATION

2 22 This bill relates to judicial branch practices and
2 23 procedures, including expanding the definition of a seal,
2 24 eliminating duties of the clerk of the supreme court, making
2 25 confidential some personal information, and using electronic
2 26 signatures on citations.

2 27 The bill provides that the court may use a seal that
2 28 affixes a visible electronic image of the seal upon an
2 29 electronic document. Current law requires the court to use a
2 30 seal that includes an impression upon paper or upon wax or a
2 31 wafer affixed to the paper.

2 32 The bill eliminates the requirement that the clerk of the
2 33 supreme court mail a copy of any ruling or opinion issued by
2 34 the supreme court or court of appeals to the attorneys arguing
2 35 the case, or to each party not represented by an attorney.

3 1 Under the bill, the supreme court may prescribe a rule or
3 2 issue a directive requiring confidentiality of certain
3 3 categories of personal identification and financial account
3 4 information filed with the clerk of the district court or the
3 5 clerk of the supreme court. The bill provides the rule or
3 6 directive may specify the manner and format in which the
3 7 confidential information is to be provided to or disseminated
3 8 by the clerk. The bill also provides that the rule or
3 9 directive prescribed by the supreme court shall prevail over
3 10 any other state laws and administrative rules.

3 11 The bill requires a peace officer issuing a citation
3 12 through a computerized device to electronically sign and date
3 13 the citation or complaint. Current law provides that if a
3 14 peace officer issues a citation through a computerized device,
3 15 only the person cited for the violation is required to sign
3 16 electronically.

3 17 LSB 1268DP 82

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